

It is with great sadness that I read that the FCC was considering adoption of rules to mandate that HDTV receivers recognize a "broadcast flag". This is just another step on a slippery slope, starting with the adoption of the Digital Millenium Copyright Act, whereby the government is getting involved in the protection of the outdated business models of the Big Media companies.

It is **not** the government's role to protect the business models of multi-billion dollar corporations at the expense of the rights of honest, hard-working Americans. The firmware to recognize the broadcast flag will increase the per unit cost of HDTV receivers, and if implemented carelessly, will undermine the Supreme Court affirmed right to recording for time-shifting purposes (the Betamax case).

If the FCC, in a display of infinitesimal wisdom, decides to proceed with rules making recognition of the broadcast flag a requirement, then I propose the following. Each media company that implements the broadcast flag must pay a royalty on its use (at an hourly rate per viewer, similar to how the RIAA requires internet-based radio stations to pay), with the proceeds from that royalty going to offset the added per-unit costs of implementing broadcast flag protection. Further, each program broadcast with the broadcast flag must be submitted in unencrypted form to the Library of Congress, so that the public domain provisions of copyright law can be upheld once the term expires.

Copyright's intention is to promote public distribution of knowledge in exchange for exclusive rights to the creation for a limited time.

The government should be extremely cautious in how much authority it allows content owners to have. If it were up to them, they'd get all of the benefits of copyright protection with none of the obligations (e.g., ceding ownership of the material after the copyright period expires).

Sincerely,
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